

## **PROFFERS**

### **GBI CORPORATION**

**PCA 92-H-015**

**June 13, 2012**

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, GBI Corporation (hereinafter referred to as the "Applicant") for the owner, itself, and successors and assigns, in PCA 92-H-015, filed on property identified as Fairfax County tax map reference 15-4 ((1)) 3E (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Board of Supervisors approves this proffered condition amendment. All previous proffers and development conditions applicable to the Application Property shall be replaced and superseded by these proffers.

#### **1. FINAL DEVELOPMENT PLAN**

- A. Development of the Application Property shall be in substantial conformance with the Final Development Plan (FDP) prepared by Christopher Consultants, consisting of five (5) sheets, dated December 1, 2011, as revised through May 15, 2012.
- B. Pursuant to Paragraph 4 of Section 16-403 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance"), minor modifications from the FDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the FDP without requiring approval of an amended FDP provided such changes are in substantial conformance with the FDP and do not increase the total square footage, decrease the amount of open space, decrease the setbacks from the peripheral lot lines, or modify the access point.

#### **2. USES**

The development and use of the Application Property shall be limited to a child care center with a maximum daily enrollment of 140 children.

#### **3. LANDSCAPING**

A landscape plan that shows, at a minimum, landscaping in conformance with Sheet 4 of the FDP shall be submitted in conjunction with the site plan for that land area encompassed by the FDP. The landscape plan shall incorporate native species to the greatest extent feasible, as determined by Urban Forest Management Division (UFMD).

## 4. TREE PRESERVATION AND LIMITS OF CLEARING

- A. The Applicant shall submit a tree preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a Certified Arborist, Landscape Architect or Registered Consulting Arborist, and shall be subject to the review and approval of UFMD, DPWES. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 12 inches in diameter and greater within 10 feet of the limits of clearing and grading shown on the FDP for the Application Property. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the FDP and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.
- B. The Applicant shall conform strictly to the limits of clearing and grading as shown on the FDP, subject to allowances for the installation of utilities. If it is determined necessary to install utilities in areas protected by the limits of clearing and grading as shown on the FDP, they shall be located in the least disruptive manner necessary. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such utilities.
- C. In order to protect trees located off-site, the Applicant shall retain the services of a certified arborist, landscape architect or registered consulting arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist, landscape architect or registered consulting arborist shall walk the limits of clearing and grading with an UFMD, DPWES representative to determine where adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall

be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

- D. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, or landscape architect and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

- E. The Applicant shall root prune, as needed, to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.

- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

F. During any clearing or tree removal on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist, landscape architect or registered consulting arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals.

## 5. TRANSITIONAL SCREENING AND BARRIERS

A. The Applicant shall provide a minimum buffer of fifteen (15) feet along the northeastern property line as shown on the FDP. A minimum buffer varying in width from fifteen (15) feet to twenty-three (23) feet shall be provided adjacent to Sunrise Valley Drive as shown on the FDP. Existing mature trees will be preserved in these areas to the extent feasible as shown on the FDP in coordination with UFMD, and supplemental plantings consisting of shrubs and ground cover shall be provided as shown on the FDP in consideration of existing easements.

B. The Applicant shall provide a six (6) foot high solid fence, which shall not preclude a picket style fence, constructed of wood, composite or similar material to enclose the proposed play areas as shown on the FDP.

## 6. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES

Stormwater management (SWM) and Best Management Practices (BMPs) facilities shall be provided off-site as described in the narrative on Sheet 5 of the FDP to satisfy detention and water quality requirements in accordance with the requirements of the Public Facilities Manual. At the time of site plan submission, the Applicant shall request a waiver of stormwater management and a partial waiver of the stormwater quality control requirements as stated in Section 101-2-2-(13) of the Fairfax County Code/Subdivision Ordinance and Section 6-0401.2 of the Fairfax County Public Facilities Manual (PFM) to permit measures off-site. Should the stormwater management waivers not be granted by DPWES, a proffered condition amendment may be necessary to allow the provision of stormwater management on-site.

## 7. DESIGN AND CONSTRUCTION

A. The architecture of the proposed child care center building shall be compatible with the adjacent residential and non-residential development. An elevation is attached as an exhibit to these proffers for illustrative

purposes. Final building design and materials shall be selected by the Applicant at time of site plan. Exterior building materials shall be selected from brick, stone, masonry, cementitious panels, stucco or materials of similar quality. The roof type shall be gable or hip and covered with fiberglass shingles. Earthtone colors shall be used on the building exterior to match the surrounding area.

- B. The Applicant shall provide a sufficient number of parking spaces to accommodate the staff for the child care center.
- C. All landscaping and improvements shall be constructed and/or installed concurrent with the development shown on the FDP.

## 8. LIGHTING

Parking lot lighting poles located on the Application Property shall not exceed fourteen (14) feet in height. Parking lot lighting shall be downward directed and shielded adjacent to residential uses to minimize impacts on adjacent properties.

## 9. GREEN BUILDING PRACTICES

- A. The Applicant shall include a LEED®-accredited (or equivalent program) professional as a member of the design team. The LEED-accredited professional will work with the team to incorporate sustainable design elements and innovative technologies into the proposed child care center. At the time of site plan submission, the Applicant will provide documentation to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such a professional.
- B. The Applicant shall provide one (1) preferred parking space for low-emissions vehicles. The location of the space shall be labeled on the site plan and the space shall be demarked with a Reserved for Low-Emissions Vehicle Parking sign. The Applicant shall provide proof of installation prior to the issuance of a Non-RUP.
- C. The Applicant shall exclusively use native and non-invasive species for landscape and other plantings on the Application Property. The Applicant shall provide planting lists showing species and location of plantings on the landscape plan submitted with the site plan.
- D. The Applicant shall incorporate LED or fluorescent lamps in interior building light fixtures.
- E. The Applicant shall install motion sensor faucets and flush valves and ultralow-flow plumbing fixtures that have a maximum water usage listed

below (to be modified with the project-specific fixtures). The Applicant shall provide manufacturers' product data prior to the issuance of a Non-RUP.

Water Closet (gallons per flush, gpf) 1.28  
 Urinal (gpf) 0.5  
 Showerheads (gallons per minute, gpm\*) 2.0  
 Lavatory faucets (gpm\*\*) 1.5  
 Kitchen and janitor sink faucets 2.20  
 Metering faucets 0.25

\*When measured at a flowing water pressure of 80 pounds per square inch (psi)

\*\*When measured at a flowing water pressure of 60 pounds per square inch (psi).

- F. The Applicant shall provide an area for the separation, collection and storage of glass, paper, metal, plastic and cardboard generated by employees. There shall be a dedicated area on the Application Property for the storage of materials to be recycled.
- G. The Applicant shall have a construction waste management plan that consists of hiring a waste removal and diversion company to process all construction waste at a recycling center. The Applicant shall provide a copy of the waste removal contract to DPWES as proof of compliance during construction.
- H. The Applicant shall use low-emitting materials for all adhesives, sealants, paints, coatings, floor systems, composite wood, and agrifiber products, as well as furniture and furnishings, if available. Low-emitting is defined according to the following table:

Application	(VOC Limit g/L less water)
Carpet Adhesive	50
Rubber floor adhesive	60
Ceramic tile adhesive	65
Anti-corrosive/anti-rust paint	250
Clear wood finishes	350

The Applicant shall provide the manufacturer's product data prior to the issuance of a Non-RUP.

- I. The Applicant shall install carpet and carpet padding that meets the testing and product requirements of the Carpet and Rug Institute Green Label Plus Program. The Applicant shall provide the manufacturers' product data prior to the issuance of a Non-RUP.

- J. The Applicant shall install vinyl composition tile and rubber tile flooring that meets the requirements of the FloorScore certification program. The Applicant shall provide the manufacturers' product data and certification letter prior to the issuance of a Non-RUP.
- K. The Applicant shall install Energy Star, or equivalent, appliances and equipment for all refrigerators, dishwashers, water heaters, computers, monitors, water coolers, and other appliances and office equipment (if available). The Applicant shall provide installation locations and manufacturers' product data, including the Energy Star energy guide if installed, prior to the issuance of a Non-RUP.

10. SUCCESSORS AND ASSIGNS

These proffers shall bind and inure to the benefit of the Applicant and its successors or assigns.

11. COUNTERPARTS

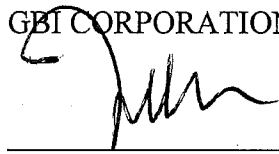
These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

{A0522610.DOC / 1 Proffers PCA 92-H-015 - 6-13-12 (cln) 000536 000031}

[SIGNATURES BEGIN ON FOLLOWING PAGE]

APPLICANT/CONTRACT PURCHASER OF  
TAX MAP 15-4 ((1) 3E

GBI CORPORATION

A handwritten signature in black ink, appearing to read 'Frank S. Gordon', is written over a horizontal line.

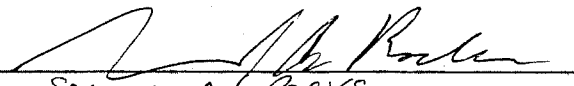
By: Frank S. Gordon  
Its: President

[SIGNATURES CONTINUE ON NEXT PAGE]



TITLE OWNER OF TAX MAP 15-4 ((1) 3E

ROCKS DULLES TOWN CENTER LIMITED, L.C.

  
By: SAMUEL A. ROCKS  
Its: Manager

[SIGNATURES END]



FOR ILLUSTRATIVE PURPOSES ONLY-SUBJECT TO CHANGE AT TIME OF FINAL DESIGN